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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,327	07/02/2002	Georg K. Blaschke	20043	8285
23470	7590	10/15/2004	EXAMINER	
SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			KIM, CHONG HWA	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,327

Applicant(s)

BLASCHKE, GEORG K.

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Examiner acknowledges the applicant's Amendment filed Aug 3, 2004 in response to the Office action made on Jun 4, 2004 and canceling of claim 8.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mao, U.S. Patent 6,041,895.

Mao shows, in Figs. 2-5, a twistshifter for a bicycle, the twistshifter comprising;

a housing element 12 mounted about and fixed to the handlebar 7;

an actuating element 24 rotatable about an axis of the handlebar, the actuating element having a limited angle of rotation;

a locking device 14, 23 for securing the actuating element to the housing element, the locking device including a first latching element 14 arranged on the housing element and a second latching element 23 having a complementary shape for engagement with the first latching element and arranged directly on the actuating element, wherein disengagement of the first and

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second latching elements permits disengagement of the actuating element from the housing element;

wherein the first and second latching elements are arranged at a radius of the twistshifter located near the handlebar;

wherein the first and second latching elements extend along two segments of a circumference of the twistshifter near the handlebar, the segments defining angles of different sizes; and

wherein the difference between the angles of the segments of the latching elements corresponds to a maximum angle of rotation of the actuating element.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanatani, U.S. Patent 6,595,894 B2.

Hanatani shows, in Figs. 1-4, a twistshifter for a bicycle, the twistshifter comprising;
a housing element 50 mounted about the handlebar 12;
an actuating element 30 rotatable about an axis of the handlebar, the actuating element having a limited angle of rotation;

a locking device 152 for securing the actuating element to the housing element, the locking device including a first latching element 152 arranged on the housing element and a second latching element (the end portion of element 30) having a complementary shape to the first latching element and arranged directly on the actuating element;

wherein the first and second latching elements are arranged at a radius of the twistshifter located near the handlebar;

wherein one of the first and second latching elements has a hook contour extending along a segment of a circumference of the twistshifter near the handlebar and the other of the first and second latching elements forms an undercut having a complementary shape to the hook contour.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Wessel, U.S. Patent 6,615,688 B2.

Mao shows, as discussed above in the rejection of claim 1, the twistshifter comprising the locking device having the first and second latching elements, but fails to show the latching elements having hook engagement.

Wessel shows, in Figs. 1-4, a twistshifter comprising a locking device having a first latching element 15 and a second latching element 7, wherein the second latching element has a hook contour extending along a segment of a circumference of the twistshifter and the first latching element forms an undercut having a complementary shape to the hook contour.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the locking device of Mao with the hook engaging device as taught by Wessel in order to provide a more securing shifter so that the mechanism would last longer.

Allowable Subject Matter

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. In response to the applicant's argument that Mao fails to show the disengagement of the actuating element from the housing element, it is the Examiner's position that Mao shows such configuration as recited in the amended claim. Although one may have to disengage the fastener 32 first in order to disengage the actuating element 24 from the housing element 12, still, Mao teaches that the disengagement of the first and second latching elements 14, 23 permits disengagement of the actuating element 24 from the housing element 12.

8. In response to the applicant's argument that Hanatani fails to show the housing element being fixed to the handlebar, it is noted that the definition of "fixed", in Merriam Webster's Collegiate Dictionary, 10th Edition, is "securely placed or fastened". Accordingly, Hanatani shows the housing element 50 mounted about and fixed (or securely placed) to the handlebar. The word "fixed" does not always mean "non-movably secured".

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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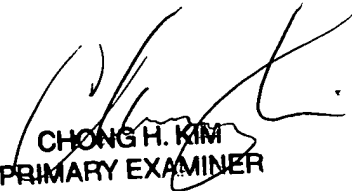
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Tuesday - Friday; 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk
October 8, 2004


CHONG H. KIM
PRIMARY EXAMINER